SINGLE BENCH

C.S. 1001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 1203 /2005

PETITIONER : Radha Madhav Industries Private Limited through it's Director R.K. Agrawal, s/o Ramkishore Agrawl aged about 55 years, r/o In front of High Court Bilaspur (C.G.)

P.R. No. 13401/05
Presented by Shri H.L. Soni
dated 29-03-05

Versus

RESPONDENTS : 1. Chhattisgarh Environmental Conservation Board, through Chief Engineer and OSD, Raipur (C.G.)

2. Regional Officer, Chhattisgarh Environment Conservation Board, Regional Officer, Vyapar Vihar, Bilaspur (C.G.)

3. Chhattisgarh State Electricity Board , thorugh Chief Engineer, Tifra, Bilaspur (C.G.)

Sd/-
A.R (J)

Hon. Court order dt. 31/03/05

PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER

RESPONDENT NO.4 :- State of Chhattisgarh
Through- Collector,
Bilaspur (C.G.).

(213)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..WP/NO..1203/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16-8-2005 Shri N. L. Soni with Shri Alok Bakshi, counsel for the petitioner. Shri Ch Ramu Satyanaraya, counsel for respondents No.1 and 2. Shri A.S. Gaharwar, counsel for respondent No.3. Shri Sandeep Dubey, Govt. Advocate for respondent No.4. Heard. The case of the petitioner is that the petitioner factory is engaged in producing sponge iron to the extent of 30,000 MT per annum. ~~However,~~ respondents No.1 issued a letter to the petitioner on 15-4-2004 regarding permission to establish the sponge iron plant. Copy of the same is Annexure-P/3. After obtaining the conditional permission, the petitioner wrote a letter to respondents No.1 stating that the permission for production should be granted to them. Copy of the same is Annexure-P/4. On 5-1-2005, the petitioner wrote a letter to respondent No.1 intimating him about the steps taken by the petitioner. However, without considering the submissions of the petitioner, respondents had issued a letter on 27-1-2005 asking the petitioner for closure of the plant under Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981. In the said letter 15 days' time was allowed to the petitioner to raise objection. In response to that, the petitioner submitted a representation dated 9-2-2005 (Annexure-P/7) stating that the order for E.S.P. has been placed and an advance payment to the tune of Rs.3,20,000/- has been made. However, prayer was rejected by respondents. Therefore, prayer has been made to quash the impugned order dated 4-3-2005 and time up to 30th June 2005 may be granted to the petitioner for installation of the equipments as per the Air (Prevention and Control of Pollution) Act, 1981.	

(214)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Return has already been filed on behalf of respondents No.1 and 2.

Learned counsel for the petitioner submitted that even though time was granted to the petitioner and the petitioner is making sincere effort to install E.S.P. and 65% work has already been completed on the site and the remaining work will be completed by 15th September 2005. The petitioner is not going to seek any further time.

Therefore, with the consent of learned counsel for the parties, this petition is being disposed of.

In view of the above, the petitioner is allowed to complete establishment of E.S.P. equipments and other equipments as has been required under the Air (Prevention and Control of Pollution) Act, 1981 by 15th September 2005. No further time will be allowed. If the E.S.P. and other equipments are not installed by 15th September 2005, then respondents No.1 to 3 will be entitled to take such measure as is admissible to them under the law.

In the meanwhile, interim order shall continue till 15th September 2005.

The writ petition is disposed of accordingly.

In view of the above, all the pending applications also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Barve

(पीछे देखिये)